

DISTRICT

BOARD OF DIRECTORS BUDGET AND FINANCE COMMITTEE MEETING

COMMITTEE MEMBERS

CAROLE GROOM – CHAIRPERSON HAL BROWN ERIC MAR GAYLE UILKEMA SHRILEE ZANE ASH KALRA – VICE CHAIRPERSON SCOTT HAGGERTY MARK ROSS BRAD WAGENKNECHT

WEDNESDAY January 26, 2011 9:30 A.M. 4TH FLOOR CONFERENCE ROOM 939 ELLIS STREET SAN FRANCISCO, CA 94109

AGENDA

- 1. CALL TO ORDER ROLL CALL
- 2. **PUBLIC COMMENT PERIOD** (Public Comment on Non-Agenda Items Pursuant to Government Code § 54954.3) Members of the public are afforded the opportunity to speak on any agenda item. All agendas for regular meetings are posted at District headquarters, 939 Ellis Street, San Francisco, CA, at least 72 hours in advance of a regular meeting. At the beginning of the regular meeting agenda, an opportunity is also provided for the public to speak on any subject within the Board's authority. Speakers will be limited to three (3) minutes each.
- 3. APPROVAL OF MINUTES OF DECEMBER 8, 2010
- 4. SECOND QUARTER FINANCIAL REPORT FISCAL YEAR 2010-11

J. McKay/4629

jmckay@baaqmd.gov

The Committee will receive an update on the District's Second Quarter Financial Report.

5. AIR DISTRICT FINANCIAL OVERVIEW

J. McKay/4629 jmckay@baaqmd.gov

The Committee will receive an overview of the District's finances with a projection of the year end results.

6. COMMITTEE MEMBER COMMENTS/ OTHER BUSINESS

Any member of the Board, or its staff, on his or her own initiative or in response to questions posed by the public, may: ask a question for clarification, make a brief announcement or report on his or her own activities, provide a reference to staff regarding factual information, request staff to report back at a subsequent meeting concerning any matter or take action to direct staff to place a matter of business on a future agenda. (Gov't Code § 54954.2).

- 7. TIME AND PLACE OF NEXT MEETING AT THE CALL OF THE CHAIR
- 8. ADJOURNMENT

CONTACT EXECUTIVE OFFICE - 939 ELLIS STREET SF, CA 94109

(415) 749-5130 FAX: (415) 928-8560 BAAQMD homepage: www.baaqmd.gov

- To submit written comments on an agenda item in advance of the meeting.
- To request, in advance of the meeting, to be placed on the list to testify on an agenda item.
- To request special accommodations for those persons with disabilities notification to the Clerk's Office should be given at least 3 working days prior to the date of the meeting, so that arrangements can be made accordingly.
- Any writing relating to an open session item on this Agenda that is distributed to all, or a majority of all, members of the body to which this Agenda relates shall be made available at the District's offices at 939 Ellis Street, San Francisco, CA 94109, at the time such writing is made available to all, or a majority of all, members of that body. Such writing(s) may also be posted on the District's website (www.baaqmd.gov) at that time.

BAY AREA AIR QUALITY MANAGEMENT DISTRICT 939 Ellis Street, San Francisco, California 94109 (415) 771-6000

EXECUTIVE OFFICE:MONTHLY CALENDAR OF DISTRICT MEETINGS

JANUARY 2011

Budget & Finance Committee Meeting	Wednesday	26	9:30 a.m.	4 th Floor Conf. Room
Board of Directors Mobile Source Committee (Meets 4th Thursday each Month)	Thursday	27	9:30 a.m.	4 th Floor Conf. Room

FEBRUARY 2011

TYPE OF MEETING	DAY	DATE	TIME	ROOM
Board of Directors Regular Meeting (Meets 1st & 3rd Wednesday of each Month)	Wednesday	2	9:45 a.m.	Board Room
Advisory Council Meeting	Wednesday	9	9:00 a.m.	Board Room
Board of Directors Regular Meeting (Meets 1 st & 3 rd Wednesday of each Month)	Wednesday	16	9:45 a.m.	Board Room
Board of Directors Mobile Source Committee (Meets 4th Thursday each Month)	Thursday	24	9:30 a.m.	4 th Floor Conf. Room

MARCH 2011

TYPE OF MEETING	<u>DAY</u>	DATE	<u>TIME</u>	<u>ROOM</u>
Board of Directors Regular Meeting (Meets 1 st & 3 rd Wednesday of each Month)	Wednesday	2	9:45 a.m.	Board Room
Advisory Council Meeting	Wednesday	9	9:00 a.m.	Board Room
Board of Directors Regular Meeting (Meets 1 st & 3 rd Wednesday of each Month)	Wednesday	16	9:45 a.m.	Board Room
Board of Directors Mobile Source Committee (Meets 4th Thursday each Month)	Thursday	24	9:30 a.m.	4 th Floor Conf. Room
N.P. – 1/19/11 (3:36 p.m.)				

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BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Groom and Members of the

Budget and Finance Committee

From: Jack P. Broadbent

Executive Officer/APCO

Date: January 18, 2011

Re: Budget and Finance Committee Draft Meeting Minutes

RECOMMENDED ACTION:

Approve attached draft minutes of the Budget and Finance Committee meeting of December 8, 2010.

DISCUSSION

Attached for your review and approval are the draft minutes of the December 8, 2010 Budget and Finance Committee meeting.

Respectfully submitted,

Jack P. Broadbent Executive Officer/APCO

Bay Area Air Quality Management District 939 Ellis Street San Francisco, California 94109 (415) 749-5000

DRAFT MINUTES

Summary of Board of Directors Budget & Finance Committee Meeting 9:30 a.m., Wednesday, December 8, 2010

Call to Order: Chairperson Carole Groom called the meeting to order at 9:30 a.m. without

an initial quorum

Roll Call: Chairperson Carole Groom and Vice Chairperson Harold Brown

Absent: Directors Chris Daly, Susan Garner, Scott Haggerty, Ash Kalra, Eric Mar,

Mark Ross, and Gayle Uilkema

Also Present: Board Chairperson Brad Wagenknecht and Director Pamela Torliatt

Public Comment Period: There was no public comment.

Chair Garner re-arranged the order of the Agenda due to the lack of a quorum.

6. First Quarter Financial Report - Fiscal Year 2010-11

Finance Manager David Glasser gave the staff report and presented the First Quarter Financial Report, as follows:

GENERAL FUND: STATEMENT OF REVENUE

Comparison of Budget to Actual Revenue
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County receipts	\$211,815	(1%) of budgeted revenue.
Permit Fee receipts	\$12,373,220	(49%) of budgeted revenue.
Title V Permit Fees	\$2,102,939	(63%) of budgeted revenue.
Asbestos Fees	\$472,964	(30%) of budgeted revenue.
Toxic Inventory Fees	\$220,515	(33%) of budgeted revenue.
Penalties and Settlements	\$546,452	(36%) of budgeted revenue.
Miscellaneous Revenue	\$7,873	(7%) of budgeted revenue.
Interest Revenue	\$69,544	(25%) of budgeted revenue.

Noted Present: Director Uilkema arrived at 9:36 a.m.

GENERAL FUND BUDGET: STATEMENT OF EXPENDITURES

Comparison of Budget to Actual Expenditures

Salaries and Benefits	\$9,192,838	(20%) of budgeted expenditures.
Operational Services and Supplies	\$3,076,869	(15%) of budgeted expenditures.
Capital Outlay	\$1,059,168	(31%) of budgeted expenditures.

Investment Balances as of September 30, 2010:

Cash and Investments in County Treasury:

 General Fund
 \$ 21,406,975

 TFCA
 \$ 54,929,394

 MSIF
 \$ 29,030,184

 Carl Moyer
 \$ 7,790,935

 CA Goods Movement
 \$ 3,189,530

 \$ 116,347,019

Investments Held as:

Fixed Income Investments 34% of total investment pool Short Term Investments 66% of total investment pool

Year End Results - Fund Balances:

	6/30/2009 Audited	6/30/2010 Unaudited	6/30/2011 Projected
Imprest Cash	500	-	-
Building and Facilities	1,731,690	1,900,00	1,500,000
PERS Funding	2,300,000	1,900,000	1,500,000
Radio Replacement	75,000	75,000	75,000
Capital Equipment	130,425	130,425	1,219,818
Contingencies	400,000	· <u>-</u>	-
Post-Employment Benefits	· -	_	2,000,000
Workers' Compensation	1,000,000	1,000,000	1,000,000
Economic Uncertainties	9,277,570	7,816,963	130,660
Total Special Reserves	<u>14,915,185</u>	12,654,078	10,657,168
Undesignated	<u>411,797</u>	<u>411,797</u>	<u>411,797</u>
Total Fund Balances	<u>15,326,982</u>	1 <u>3,065,875</u>	<u>11,068,965</u>

Committee Comments/Discussion:

Vice Chair Brown questioned State and Federal budgets' effect on District funding, and confirmed with Director of Technical Services Eric Stevenson that approximately \$1.3 million comes from federal revenues.

Directors and staff discussed potential cuts and takings of the State, their impacts to local city and county governments, the District's reserve position, and Mr. Broadbent noted these would be further discussed under Agenda Item 7.

Public Comment: None

Committee Action: None; Informational only.

7. Air District Financial Overview

Deputy APCO Jeffrey McKay gave the staff presentation and said reserves are what they were directed to be by the Board. The District is approaching a 20% Other Post Employment Benefits (OPEB) funding level.

Mr. McKay presented an overview of the District's financial position, reporting a \$62.4 million General Fund budget, 363 positions, and reserves that reflect prior Board direction. He reviewed General Fund revenue sources, noting the highest as permit fees (49%) and property taxes (34%). General Fund expenditures are divided up into salary and benefits (65%), services and supplies (24%), CalPERS (8%), and Capital (4%).

He stated the District has responded to challenges by taking a pro-active, balanced, multi-faceted, and multi-year approach to address personnel costs, expenditures, fees, reserves and utilization of staff resources.

Noted Present: Directors Garner and Mar arrived to establish a quorum at 9:51 a.m.

Mr. McKay discussed personnel costs, stating the FTE is unchanged from the amended FYE 2008 budget. The vacancy count has steadily increased, with 23 vacancies held and 7 additional vacancies from turnover. He noted management has had a productive relationship with the Employees Association and since vacancies are not being filled, staff is trying to maintain budget for leadership and training to enhance existing staff abilities to cover vacancies. The District has also cut its services and supplies budget, and capital spending has been deferred.

Regarding fees, the District increased its fees by 5.5% in FYE 2011. However a 10% fee increase was previously projected as necessary through 2012 and the lowered rate of cost recovery reduces the effectiveness of fee increases. If the District gets further behind in cost recovery, it will be that much more difficult to catch up, as there is a 15% annual cap on fee increases.

Regarding reserves, Mr. McKay stated that in prior years property taxes exceeded the budget which allowed funds to be available for the temporary budget gap. Currently, the Board approved the use of reserves to balance the budget.

Staff is assuming vacancies will continue to be unfilled in the future, is assuming service & supplies, capital and property taxes will remain unchanged, and that the District will continue with a 5.5% fee increase each year.

He presented Reserve projections, stating the District is attempting to take a balanced approach and work over a multi-year period to balance revenues and expenditures. He then presented a scenario of projections with no increased cost recovery after 2011, which dramatically and compoundedly draws down the reserve year by year.

Committee Comments/Questions:

Directors discussed the drawdown of reserves. Directors discussed the District's conservative, multi-faceted and multi-year budgeting approach, and the need to maintain the District's regulatory force and address cost recovery.

Director Garner questioned the District's practice of backfilling positions with temporary staff versus hiring benefitted, full-time employees. Mr. Broadbent said temporary positions are limited to specified numbers of hours, are mostly utilized in grant positions, and staff is working to review every position, its level and criticalness, and is developing a target number of an additional 15-20 positions that will not be filled. Staff simultaneously and continuously reviews property taxes, permit fees, and penalty monies which have been reduced by half, and he expects to provide a recommendation which will come before the Board of Directors.

Director Garner cited the current budget and economic climate and the need to accept staff reductions and look to restructure and potentially eliminate some positions, as she did not think backfilling positions with temporary staff was truly reducing costs. Mr. Broadbent indicated that there are federally mandated programs that must be staffed and he noted the importance of cost recovery efforts which will come before the Committee and Board during fee schedule and budget discussions.

Director Uilkema expressed uneasiness with the District's projection of county revenues and assessed valuations, and asked to ensure assumptions are not overstated. She cited declines in assessed values as much as 17% in some Contra Costa County areas and suggested the District participate with Beacon Economics, a Bay Area leading economic forecaster.

Chair Groom referred to Director Garner's comments, cited the District's efficiency measures, and suggested looking at attrition and voluntary retirements and not employee layoffs.

Mr. McKay summarized his presentation stating the District came in \$1 million higher in property taxes in FYE 2010; however, current year numbers have not been received and he anticipates it will be \$100,000 to \$200,000 less.

Public Comment: None

Committee Action: None; Informational only.

Approval of Minutes of April 28, 2010:

Committee Action: Director Brown made a motion to approve the April 28, 2010 Budget and Finance Committee Minutes; Director Garner seconded the motion; unanimously approved without objection.

Consideration of Accepting an EPA Grant and Awarding a Contract for Continued Development of Data Management System Services

Director of Technical Services Eric Stevenson gave the staff presentation, and said staff is requesting recognition of an EPA informational exchange network grant for \$200,000 to continue the District's data management system that collects data. He reviewed initial grants received from EPA Region IX of \$100,000 and \$279,000 and an additional grant this year in the amount of \$200,000. Work has been done by Sonoma Technology in the past and staff recommendation is to award a contract to Sonoma Technology for continued development of data management system services.

Committee Comments/Questions: None

Public Comment: None

Committee Action: Vice Chair Brown made a motion to recommend Board of Directors' approval to accept an EPA Grant in the amount of \$200,000 and award a contract to Sonoma Technology for continued development of data management system services for ambient air quality and meteorological data; Chair Wagenknecht seconded the motion; unanimously approved without objection.

Possible Impacts of Proposition 26 on the District

Senior Legislative Advisory Tom Addison presented an overview of the recently approved Proposition 26, a Constitutional amendment that defines a tax. He said the Proposition's passage was one of the most significant election results, as it was expected to fail until several weeks before the election and passed with a 5% margin. It was supported by Chevron, the Chamber of Commerce, the alcohol and tobacco industries, and the California Taxpayers Association. Opponents were outspent by three to one.

Mr. Addison stated the Proposition's definition is very broad, and he reviewed specific exemptions below and as outlined in the staff report:

New definition of tax: any "levy, charge, or exaction of any kind":

- Local governments (including the District) have some things exempted from being a tax:
 - 1. A charge imposed for a specific benefit, government service, or product directly to or for the payer that is not provided those not charged, and which does not exceed reasonable costs to the local government of conferring the benefit;
 - 2. A charge imposed for the reasonable regulatory costs for issuing licenses and permits, performing investigations, inspection, and audits, and the administrative enforcement and adjudication thereof:
 - 3. A fine, penalty, or other monetary charge imposed as a result of a violation of a law;
 - 4. A charge imposed for the purchase, rental, or lease of local government property.

Mr. Addison described the following additional changes:

• New taxes require two-thirds vote (either of the people for local governments or of the Legislature);

New burden of proof on the District to show that any new fee is not a tax, that the amount is no
more than necessary to cover the reasonable costs of the governmental activity, and the manner in
which those costs are allocated to those paying bear a fair or reasonable relationship to the payer's
burdens on, or benefits received from, the governmental activity.

In response to questions from Committee members, Mr. Addison explained that the provision is not retroactive for local governments, but applies to new taxes and fees going forward, and to increases to existing fees. With certain exceptions, it requires a two-thirds vote of the Legislature or the public for many things that previously required only a majority vote. He distributed the text of the proposition and said there will be argument back and forth and most likely litigation.

Director of Engineering Brian Bateman gave a staff presentation on District fees prior to Proposition 26, stating regulatory fees are a major source of the District's revenue. He reviewed regulatory fees as being designed to recover an agency's cost of carrying out a regulatory program, to which fee payers are subject.

He reviewed the following characteristics for regulatory fees:

- Regulatory fees are designed to recover an agency's cost of carrying out a regulatory program to which fee payers are subject
- Characteristics for regulatory fees:
- In the aggregate, the fees do not exceed the reasonable costs of the regulatory program for which the fee is charged; and
- The costs are apportioned among the fee payers such that the costs allocated to each fee-payer bears a fair or reasonable relationship to its burden on and benefits from the regulatory system
- Additional points:
- All costs, including indirect costs, of the program may be recovered
- It is not necessary that the fee payer perceive the regulatory program as providing a benefit
- Apportioning costs based on emissions has been determined to be valid

Types of District fee schedules include:

- Hearing Board fees
- Permit Fees
- Non-Permitted Source Fees
- Indirect Source Review (ISR) fees (adopted as a placeholder pending adoption of ISR Rule

Mr. Bateman reviewed fee schedules A to U, with a brief explanation of each. He reviewed permit fees which are compiled based on the source type or capacity, as covered by 7 schedules, and by solvent use, as covered by 2 schedules. He noted there is a minimum and maximum fee, and between those the fee goes up depending on the source size.

- Source category-based (nine schedules)
 - Based on source type or capacity (seven schedules), or
 - Based on solvent throughput (two schedules)
 - Minimum Fee
 - Fees increase on a linear basis above the minimum fee as capacity or throughput increases
 - Maximum Fee
- Add-on fees (or credits)
 - Permit applications
 - Filing Fee
 - Risk screening fee
 - Schools notification fee
 - CEQA-related fees
 - Small business and green business discounts
 - Permit renewals
 - Processing Fee
 - Toxics surcharge

As staff moves forward, it will continue to assess the impacts of Proposition 26 and report back in the spring of 2011 on a specific fee proposal. He discussed the 1997 State Supreme Court's ruling on Sinclair

Draft Minutes of December 8, 2010 Budget & Finance Committee Meeting

Paint, which reversed a Court of Appeals decision. This fee was imposed as the result of the Childhood Lead Prevention Act, which addresses companies that pay fees to mitigate adverse health effects of lead exposures to children, to screen children for lead levels and provides follow-up medical services. He said this particular program does not regulate lead at all in products, and the Supreme Court decision was that the fee qualifies as a regulatory fee.

Mr. Broadbent said the District's fee structures are directly related and tied to how it issues permits and inspection. Since the program applies to future fees, staff will try to structure the schedule while being mindful of the proposition, and continue to analyze cost recovery.

Committee Comments/Questions:

Chair Groom supported an update return in the spring and a strategy for raising fees to address cost recovery for the Committee and full Board, as well as budget projections and strategies.

Director Garner referred to the Health and Safety Code requirement of limiting fee increases to no more than 15% and while difficult, suggested a more aggressive fee schedule to reach total cost recovery. She supported the District's review of identifying areas where the District is under and over collecting.

Public Comment: None

Committee Action: None; Informational only.

Committee Member Comments: None

Time and Place of Next Meeting: At the Call of the Chair.

Adjournment: The meeting adjourned at 11:04 a.m.

Lisa Harper Clerk of the Boards

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Groom and Members

of the Budget and Finance Committee

From: Jack P. Broadbent

Executive Officer/APCO

Date: January 12, 2011

Re: Second Quarter Financial Report – Fiscal Year 2010 – 11

RECOMMENDED ACTION

Informational Report. Receive and file.

DISCUSSION

Finance staff will present an update on the District's financial results for the second quarter of the 2010-11 fiscal year. The following information summarizes those results.

GENERAL FUND BUDGET: STATEMENT OF REVENUE

County receipts	\$ 10,916,016	(52%)	of budgeted revenue.
Permit Fee receipts	\$ 16,475,921	(65%)	of budgeted revenue.
Title V Permit Fees	\$ 2,322,313	(70%)	of budgeted revenue.
Asbestos Fees	\$ 907,228	(57%)	of budgeted revenue.
Toxic Inventory Fees	\$ 335,616	(50%)	of budgeted revenue.
Penalties and Settlements	\$ 814,177	(54%)	of budgeted revenue.
Miscellaneous Revenue	\$ 24,778	(20%)	of budgeted revenue.
Interest Revenue	\$ 111,869	(41%)	of budgeted revenue

GENERAL FUND BUDGET: STATEMENT OF EXPENDITURES

Comparison of Budget to Actual Expenditures

Personnel - Salaries	\$ 14,518,461	(47%) of budgeted expenditures.
Personnel - Fringe Benefits	\$ 5,933,144	(42%) of budgeted expenditures.
Operational Services and Supplies	\$ 6,625,900	(33%) of budgeted expenditures.
Capital Outlay	\$ 2.282.737	(66%) of budgeted expenditures

Cash and Investments in County Treasury:

General Fund	\$24,834,447
TFCA	\$53,466,159
MSIF	\$34,971,102
Carl Moyer	\$8,900,678
CA Goods Movement	\$21,978,791
	\$144,151,177

Investments Held as:

Fixed Income Investments 35% of total investment pool Short Term Investments 65% of total investment pool

FUND BALANCES

Terrib Britanice Do	6/30/2009 Audited	6/30/2010 <u>Unaudited</u>	6/30/2011 Projected
Imprest Cash	\$500	-	-
Building and Facilities	1,731,690	1,731,690	4,731,690
PERS Funding	2,300,000	1,900,000	1,500,000
Radio Replacement	75,000	75,000	75,000
Capital Equipment	130,425	130,425	1,219,898
Contingencies	400,000	-	-
Post Employment Benefits	-	-	2,000,000
Worker's Compensation	1,000,000	1,000,000	1,000,000
Economic Uncertainties	9,277,570	7,816,963	130,660
TOTAL SPECIAL RESERVES	\$14,915,185	\$12,654,078	\$10,657,168
UNDESIGNATED	411,797	282,389	411,797
TOTAL FUND BALANCES	\$15,326,982	\$12,936,467	\$11,068,965

BUDGET CONSIDERATION/FINANCIAI IMPACT

No impact on Fiscal Year 2010/2011 budget.

Respectfully submitted,

Jack P. Broadbent Executive Officer/APCO

Prepared by: <u>David Glasser</u> Reviewed by: <u>Jack M. Colbourn</u>

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Groom and Members

of the Budget and Finance Committee

From: Jack P. Broadbent

Executive Officer/APCO

Date: January 12, 2011

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FUND BALANCES

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Contingencies	400,000	-	-
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BUDGET CONSIDERATION/FINANCIAI IMPACT

No impact on Fiscal Year 2010/2011 budget.

Respectfully submitted,

Jack P. Broadbent Executive Officer/APCO

Prepared by: <u>David Glasser</u> Reviewed by: <u>Jack M. Colbourn</u>

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Groom and Members

of the Budget and Finance Committee

From: Jack P. Broadbent

Executive Officer/APCO

Date: January 19, 2011

Re: <u>Air District Financial Overview</u>

RECOMMENDED ACTION

Receive and file.

DISCUSSION

Staff will review the Air District response to fiscal challenges. The review will include a discussion of the strategies employed during the FYE 2011 budget cycle. In addition, an overview of the budget status at mid-year will be provided. Possible mid-year budget adjustments will be discussed. Implications for the coming FYE 2012 budget process will be reviewed.

BUDGET CONSIDERATION/FINANCIAL IMPACT

No budget impact.

Respectfully submitted,

Jack P. Broadbent Executive Officer/APCO

Prepared by: Jeffrey McKay